

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1331

Introduced by Senators Alpert and Scott
(Principal coauthors: Senators Alarcon, McPherson, and
Vasconcellos)

(Principal coauthors: Assembly Members Daucher, Liu, and
Steinberg)

February 18, 2004

An act to amend Sections 66010.7, ~~66903~~, and 67380 of, to add *Section 66907 to, to add* Chapter 12.5 (commencing with Section 67100) to Part 40 of, to repeal Sections ~~69563~~ ~~66903~~, ~~69563~~, and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1331, as amended, Alpert. Postsecondary education accountability: California Postsecondary Education Accountability Act of 2004.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Under existing law, there are 3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University,

which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. The independent segment of higher education in the state is represented by the Association of Independent California Colleges and Universities.

Provisions of the Donahoe Higher Education Act are applicable to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

Among other things, the act establishes the California Postsecondary Education Commission (CPEC) for, among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.

This bill would require CPEC to review and make recommendations, as specified, on proposals for changes in admissions eligibility pools for public institutions and segments of postsecondary education. Subject to the availability of funding, the bill would require CPEC to conduct biennial studies of the percentages of public high school graduates estimated to be eligible for admission to the University of California and California State University.

This bill would add the California Postsecondary Accountability Act of 2004 to the Donahoe Higher Education Act. The bill would establish a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians. The bill would specify the information to be collected through a statewide reporting system that the bill would establish.

~~The~~ *This* bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California and the Association of Independent California Colleges and Universities to, provide annual reports to the Legislature, CPEC and the Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record.

~~The~~ *This* bill would require CPEC to administer the postsecondary education accountability structure established by the bill. The bill would require CPEC to provide to the Legislature and the Governor, by November 15 of each year, beginning November 15, 2005, a report that includes an analysis of the data collected pursuant to the bill and an



assessment of the progress the state is making within each of several specified policy areas.

~~The This bill would also delete provisions that require that CPEC do the following: review and evaluate the effectiveness of various intersegmental activities; prepare a state plan for postsecondary education that integrates the planning efforts of the public segments with other pertinent plans; periodically collect or conduct studies of projected manpower supply and demand; maintain and update annually an inventory of all off-campus programs and facilities for education, research, and community services operated by public and independent institutions of higher education; receive, and report on, information relating to incidents of hate violence occurring in institutions of higher education in California; periodically review and evaluate the Student Opportunity and Access Program; and prepare and submit a biennial report regarding standardized tests and that define various commission functions and responsibilities in its capacity as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and Governor.~~

(2) Existing law establishes a higher education accountability program under which the University of California, the California State University, and the California Community Colleges are required to prepare a list of reports on a regular basis to the Legislature and to state agencies. Under the program, commencing on November 15, 1994, and each November 15 thereafter, the CPEC is required to submit a higher education report to the Legislature and the Governor that provides information on significant indicators of the performance of the public colleges and universities.

This bill would repeal this program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66010.7 of the Education Code is
- 2 amended to read:
- 3 66010.7. (a) The Legislature, through the enactment of this
- 4 section, expresses its commitment to encourage and support
- 5 collaboration and coordination among all segments of education.
- 6 (b) Within the differentiation of segmental functions outlined
- 7 in this article, the institutions of higher education shall undertake



1 intersegmental collaboration and coordination particularly when
2 it can do any of the following:

3 (1) Enhance the achievement of the institutional missions
4 shared by the segments.

5 (2) Provide more effective planning of postsecondary
6 education on a statewide basis.

7 (3) Facilitate achievement of the goals of educational equity.

8 (4) Enable public and independent higher education to meet
9 more effectively the educational needs of a geographic region.

10 (5) Facilitate student progress from one segment to another,
11 particularly with regard to preparation of students for higher
12 education as well as the transfer from the California Community
13 Colleges to four-year institutions.

14 (c) The leaders responsible for public and independent
15 institutions of higher education and the Superintendent of Public
16 Instruction shall work together to promote and facilitate the
17 development of intersegmental programs and other cooperative
18 efforts aimed at improving the progress of students through the
19 educational systems and at strengthening the teaching profession
20 at all levels.

21 ~~SEC. 2. Section 66903 of the Education Code is amended to~~
22 ~~read:~~

23 ~~66903. The commission has the following functions and~~
24 ~~responsibilities in its capacity as the statewide postsecondary~~
25 ~~education planning and coordinating agency and adviser to the~~
26 ~~Legislature and the Governor:~~

27 ~~(a) It shall require the governing boards of the segments of~~
28 ~~public postsecondary education to develop and submit to the~~
29 ~~commission institutional and systemwide long-range plans in a~~
30 ~~form determined by the commission after consultation with the~~
31 ~~segments.~~

32 ~~(b) It shall update the plan periodically, as appropriate.~~

33 ~~(c) It shall participate in appropriate stages of the executive and~~
34 ~~the legislative budget processes as requested by the executive and~~
35 ~~the legislative branches, and shall advise the executive and the~~
36 ~~legislative branches as to whether segmental programmatic~~
37 ~~budgetary requests are compatible with the state plan. It is not~~
38 ~~intended that the commission hold independent budget hearings.~~

1 ~~(d) It shall advise the Legislature and the Governor regarding~~
2 ~~the need for, and location of, new institutions and campuses of~~
3 ~~public higher education.~~

4 ~~(e) It shall review proposals by the public segments for new~~
5 ~~programs, the priorities that guide them, and the degree of~~
6 ~~coordination with nearby public, independent, and private~~
7 ~~postsecondary educational institutions, and shall make~~
8 ~~recommendations regarding those proposals to the Legislature and~~
9 ~~the Governor.~~

10 ~~(f) In consultation with the public segments, it shall establish~~
11 ~~a schedule for segmental review of selected educational programs,~~
12 ~~evaluate the program approval, review, and disestablishment~~
13 ~~processes of the segments, and report its findings and~~
14 ~~recommendations to the Legislature and the Governor.~~

15 ~~(g) It shall serve as a stimulus to the segments and institutions~~
16 ~~of postsecondary education by projecting and identifying societal~~
17 ~~and educational needs and encouraging adaptability to change.~~

18 ~~(h) It shall periodically review and make recommendations~~
19 ~~concerning the need for, and availability of, postsecondary~~
20 ~~programs for adult and continuing education.~~

21 ~~(i) It shall develop criteria for evaluating the effectiveness of all~~
22 ~~aspects of postsecondary education.~~

23 ~~(j) (1) It shall act as a clearinghouse for postsecondary~~
24 ~~education information and as a primary source of information for~~
25 ~~the Legislature, the Governor, and other agencies. It shall develop~~
26 ~~and maintain a comprehensive database that does all of the~~
27 ~~following:~~

28 ~~(A) Ensures comparability of data from diverse sources.~~

29 ~~(B) Supports longitudinal studies of individual students as they~~
30 ~~progress through the state's postsecondary educational~~
31 ~~institutions, based upon the commission's existing student~~
32 ~~database through the use of a unique student identifier.~~

33 ~~(C) Is compatible with the California School Information~~
34 ~~System and the student information systems developed and~~
35 ~~maintained by the public segments of higher education, as~~
36 ~~appropriate.~~

37 ~~(D) Provides Internet access to data, as appropriate, to the~~
38 ~~sectors of higher education.~~

39 ~~(E) Provides each of the educational segments access to the~~
40 ~~data made available to the commission for the purposes of the~~

1 database, in order to support, most efficiently and effectively,
2 statewide, segmental, and individual campus educational research
3 information needs.

4 (2) The commission, in implementing paragraph (1), shall
5 comply with the federal Family Educational Rights and Privacy
6 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of
7 personally identifiable information concerning students.

8 (3) The commission may not make available any personally
9 identifiable information received from a postsecondary
10 educational institution concerning students for any regulatory
11 purpose unless the institution has authorized the commission to
12 provide that information on behalf of the institution.

13 (4) The commission shall provide 30-day notification to the
14 chairpersons of the appropriate legislative policy and budget
15 committees of the Legislature, to the Director of Finance, and to
16 the Governor prior to making any significant changes to the
17 student information contained in the database.

18 (k) It shall establish criteria for state support of new and
19 existing programs, in consultation with the public segments, the
20 Department of Finance, and the Joint Legislative Budget
21 Committee.

22 (l) It shall comply with the appropriate provisions of the federal
23 Education Amendments of 1972 (P.L. 92-318), as specified in
24 Section 67000.

25 (m) It shall consider the relationship among academic
26 education and vocational education and job training programs, and
27 shall actively consult with representatives of public and private
28 education.

29 (n) It shall review all proposals for changes in eligibility pools
30 for admission to public institutions and segments of postsecondary
31 education and shall make recommendations to the Legislature, the
32 Governor, and institutions of postsecondary education. In carrying
33 out this subdivision, the commission periodically shall conduct a
34 study of the percentages of California public high school graduates
35 estimated to be eligible for admission to the University of
36 California and the California State University. The changes made
37 to this subdivision by Chapter 580 of the Statutes of 2003 shall be
38 implemented only during those fiscal years for which funding is
39 provided for the purposes of those provisions in the annual Budget
40 Act or in another measure.

~~(o) It shall report periodically to the Legislature and the Governor regarding the financial conditions of independent institutions, their enrollment and application figures, the number of student spaces available, and the respective cost of utilizing those spaces as compared to providing additional public spaces. The reports shall include recommendations concerning state policies and programs having a significant impact on independent institutions.~~

~~(p) Upon request of the Legislature or the Governor, it shall submit to the Legislature and the Governor a report on all matters so requested that are compatible with its role as the statewide postsecondary education planning and coordinating agency. Upon request of individual Members of the Legislature or personnel in the executive branch, the commission shall submit information or a report on any matter to the extent that sufficient resources are available. From time to time, it also may submit to the Legislature and the Governor a report that contains recommendations as to necessary or desirable changes, if any, in the functions, policies, and programs of the several segments of public, independent, and private postsecondary education.~~

~~(q) In consultation with the public segments, it shall consider the development of facilities to be used by more than one segment of public higher education, commonly called "joint-use facilities." It shall recommend to the Legislature criteria and processes for different segments to utilize bond funds for these intersegmental, joint-use facilities.~~

~~(r) It may undertake other functions and responsibilities that are compatible with its role as the statewide postsecondary education planning and coordinating agency.~~

SEC. 2. Section 66903 of the Education Code is repealed.

~~66903. The commission has the following functions and responsibilities in its capacity as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and the Governor:~~

~~(a) It shall require the governing boards of the segments of public postsecondary education to develop and submit to the commission institutional and systemwide long-range plans in a form determined by the commission after consultation with the segments.~~

~~(b) It shall prepare a state plan for postsecondary education that shall integrate the planning efforts of the public segments with other pertinent plans. The commission shall seek to resolve conflicts or inconsistencies among segmental plans in consultation with the segments. If these consultations are unsuccessful, the commission shall report the unresolved issues to the Legislature with recommendations for resolution. In developing the plan, the commission shall consider at least the following factors:~~

~~(1) The need for, and location of, new facilities.~~

~~(2) The range and kinds of programs appropriate to each institution or system.~~

~~(3) The budgetary priorities of the institutions and systems of postsecondary education.~~

~~(4) The impact of various types and levels of student charges on students and on postsecondary education programs and institutions.~~

~~(5) The appropriate levels of state-funded student financial aid.~~

~~(6) The access and admission of students to postsecondary education.~~

~~(7) The educational programs and resources of independent and private postsecondary institutions.~~

~~(8) The provisions of this division differentiating the functions of the public systems of higher education.~~

~~(c) It shall update the plan periodically, as appropriate.~~

~~(d) It shall participate in appropriate stages of the executive and the legislative budget processes as requested by the executive and the legislative branches, and shall advise the executive and the legislative branches as to whether segmental programmatic budgetary requests are compatible with the state plan. It is not intended that the commission hold independent budget hearings.~~

~~(e) It shall advise the Legislature and the Governor regarding the need for, and location of, new institutions and campuses of public higher education.~~

~~(f) It shall review proposals by the public segments for new programs, the priorities that guide them, and the degree of coordination with nearby public, independent, and private postsecondary educational institutions, and shall make recommendations regarding those proposals to the Legislature and the Governor.~~

1 ~~(g) In consultation with the public segments, it shall establish~~
2 ~~a schedule for segmental review of selected educational programs,~~
3 ~~evaluate the program approval, review, and disestablishment~~
4 ~~processes of the segments, and report its findings and~~
5 ~~recommendations to the Legislature and the Governor.~~

6 ~~(h) It shall serve as a stimulus to the segments and institutions~~
7 ~~of postsecondary education by projecting and identifying societal~~
8 ~~and educational needs and encouraging adaptability to change.~~

9 ~~(i) It shall periodically collect or conduct, or both collect and~~
10 ~~conduct, studies of projected manpower supply and demand, in~~
11 ~~cooperation with appropriate state agencies, and disseminate the~~
12 ~~results of those studies to institutions of postsecondary education~~
13 ~~and to the public in order to improve the information base upon~~
14 ~~which student choices are made.~~

15 ~~(j) It shall periodically review and make recommendations~~
16 ~~concerning the need for, and availability of, postsecondary~~
17 ~~programs for adult and continuing education.~~

18 ~~(k) It shall develop criteria for evaluating the effectiveness of~~
19 ~~all aspects of postsecondary education.~~

20 ~~(l) It shall maintain and update annually an inventory of all~~
21 ~~off-campus programs and facilities for education, research, and~~
22 ~~community services operated by public and independent~~
23 ~~institutions of postsecondary education.~~

24 ~~(m) (1) It shall act as a clearinghouse for postsecondary~~
25 ~~education information and as a primary source of information for~~
26 ~~the Legislature, the Governor, and other agencies. It shall develop~~
27 ~~and maintain a comprehensive data base that does all of the~~
28 ~~following:~~

29 ~~(A) Ensures comparability of data from diverse sources.~~

30 ~~(B) Supports longitudinal studies of individual students as they~~
31 ~~progress through the state's postsecondary educational~~
32 ~~institutions, based upon the commission's existing student data~~
33 ~~base through the use of a unique student identifier.~~

34 ~~(C) Is compatible with the California School Information~~
35 ~~System and the student information systems developed and~~
36 ~~maintained by the public segments of higher education, as~~
37 ~~appropriate.~~

38 ~~(D) Provides Internet access to data, as appropriate, to the~~
39 ~~sectors of higher education.~~

~~(E) Provides each of the educational segments access to the data made available to the commission for the purposes of the data base, in order to support, most efficiently and effectively, statewide, segmental, and individual campus educational research information needs.~~

~~(2) The commission, in implementing paragraph (1), shall comply with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of personally identifiable information concerning students.~~

~~(3) The commission may not make available any personally identifiable information received from a postsecondary educational institution concerning students for any regulatory purpose unless the institution has authorized the commission to provide that information on behalf of the institution.~~

~~(4) The commission shall provide 30-day notification to the chairpersons of the appropriate legislative policy and budget committees of the Legislature, to the Director of Finance, and to the Governor prior to making any significant changes to the student information contained in the data base.~~

~~(n) It shall establish criteria for state support of new and existing programs, in consultation with the public segments, the Department of Finance, and the Joint Legislative Budget Committee.~~

~~(o) It shall comply with the appropriate provisions of the federal Education Amendments of 1972 (P.L. 92-318), as specified in Section 67000.~~

~~(p) It shall consider the relationship among academic education and vocational education and job training programs, and shall actively consult with representatives of public and private education.~~

~~(q) It shall review all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education and shall make recommendations to the Legislature, the Governor, and institutions of postsecondary education. In carrying out this subdivision, the commission periodically shall conduct a study of the percentages of California public high school graduates estimated to be eligible for admission to the University of California and the California State University. The changes made to this subdivision during the 2001-02 Regular Session of the Legislature shall be implemented only during those fiscal years for~~

1 which funding is provided for the purposes of those provisions in
2 the annual Budget Act or in another measure.

3 ~~(r) It shall report periodically to the Legislature and the~~
4 ~~Governor regarding the financial conditions of independent~~
5 ~~institutions, their enrollment and application figures, the number~~
6 ~~of student spaces available, and the respective cost of utilizing~~
7 ~~those spaces as compared to providing additional public spaces.~~
8 ~~The reports shall include recommendations concerning state~~
9 ~~policies and programs having a significant impact on independent~~
10 ~~institutions.~~

11 ~~(s) Upon request of the Legislature or the Governor, it shall~~
12 ~~submit to the Legislature and the Governor a report on all matters~~
13 ~~so requested that are compatible with its role as the statewide~~
14 ~~postsecondary education planning and coordinating agency. Upon~~
15 ~~request of individual Members of the Legislature or personnel in~~
16 ~~the executive branch, the commission shall submit information or~~
17 ~~a report on any matter to the extent that sufficient resources are~~
18 ~~available. From time to time, it also may submit to the Legislature~~
19 ~~and the Governor a report that contains recommendations as to~~
20 ~~necessary or desirable changes, if any, in the functions, policies,~~
21 ~~and programs of the several segments of public, independent, and~~
22 ~~private postsecondary education.~~

23 ~~(t) In consultation with the public segments, it shall consider~~
24 ~~the development of facilities to be used by more than one segment~~
25 ~~of public higher education, commonly called “joint-use~~
26 ~~facilities.” It shall recommend to the Legislature criteria and~~
27 ~~processes for different segments to utilize bond funds for these~~
28 ~~intersegmental, joint-use facilities.~~

29 ~~(u) It may undertake other functions and responsibilities that~~
30 ~~are compatible with its role as the statewide postsecondary~~
31 ~~education planning and coordinating agency.~~

32 *SEC. 2.5. Section 66907 is added to the Education Code, to*
33 *read:*

34 *66907. The California Postsecondary Education Commission*
35 *shall review all proposals for changes in eligibility pools for*
36 *admission to public institutions and segments of postsecondary*
37 *education and shall make recommendations to the Legislature, the*
38 *Governor, and institutions of postsecondary education. In*
39 *carrying out this requirement, the commission shall on a biennial*
40 *basis for odd number graduation years conduct a study of the*

1 *percentages of California public high school graduates estimated*
2 *to be eligible for admission to the University of California and the*
3 *California State University. The eligibility study shall be*
4 *implemented only during those fiscal years for which funding is*
5 *provided therefor in the annual Budget Act or in another measure.*

6 SEC. 3. Chapter 12.5 (commencing with Section 67100) is
7 added to Part 40 of the Education Code, to read:

8
9 CHAPTER 12.5. THE CALIFORNIA POSTSECONDARY EDUCATION
10 ACCOUNTABILITY ACT OF 2004
11

12 67100. The Legislature finds and declares all of the
13 following:

14 (a) Since the enactment of the Master Plan for Higher
15 Education in 1960, California's system of postsecondary
16 education has provided access and high quality educational
17 opportunities that have fueled California's economic growth.

18 (b) A combination of factors now poses challenges for
19 postsecondary education and for state policymakers in meeting the
20 postsecondary education needs of Californians. Enrollment is
21 growing, the demographics of the student body are changing, costs
22 are rising, state support for postsecondary education is declining,
23 student fees are increasing, access is being restricted, employers
24 are expressing concerns about graduates' skills, and there is
25 growing public demand to ensure that the state is making proper
26 investments in postsecondary education.

27 (c) Although the public segments of postsecondary education
28 have each developed their own institution-specific accountability
29 efforts, they do not combine to reflect statewide policy goals that
30 cut across all postsecondary education segments.

31 (d) In the absence of a statewide focus, the state has limited
32 access to meaningful data that could serve as the basis for analysis
33 on how the state is performing in key areas, and must make
34 important fiscal and policy decisions without that knowledge.

35 67100.3. It is the intent of the Legislature that a postsecondary
36 education accountability reporting structure contain all of the
37 following elements:

38 (a) Be focused and strategic in its purpose.

39 (b) Be used wisely to serve as a tool to improve educational
40 outcomes for Californians.

1 (c) Be used to support effective, data-driven policy and fiscal
2 decisions.

3 (d) Acknowledge that not everything about the whole person
4 can be measured, including the intangible learning capacities that
5 students gain from college attendance.

6 (e) Recognize that students enter the system with different
7 levels of preparation.

8 (f) Be used to identify and eliminate unnecessary and
9 redundant reports submitted to the state by the various educational
10 agencies and institutions to save resources, improve efficiency,
11 and allow institutions to focus on their efforts on meeting state
12 policy goals and their own related institutional goals.

13 (g) It is further the intent of the Legislature to eliminate,
14 streamline, and reduce the frequency of reports that statutes
15 require the California Postsecondary Education Commission
16 (CPEC) to prepare that are either not appropriate to the central
17 mission of CPEC or that do not address a critical state need in
18 advancing public policy goals for higher education in California.

19 67100.5. (a) The State of California shall establish a
20 statewide California Postsecondary Education Accountability
21 (CPSEA) structure that provides the basis for an annual
22 assessment of the progress made by the state's system of
23 postsecondary education in meeting the educational needs of
24 Californians.

25 (b) This CPSEA structure shall identify a select number of key
26 indicators that measure progress toward four statewide public
27 policy goals for postsecondary education in the following areas:

28 (1) Educational Opportunity:

29 (A) This goal envisions that all Californians have reasonable
30 and equal opportunities to attend college.

31 (B) To measure progress in achieving this goal, the California
32 Postsecondary Education Commission (CPEC) shall collect and
33 analyze data on all of the following:

34 (i) College readiness among high school graduates.

35 (ii) College readiness among adults, *including adult basic*
36 *skills proficiency levels*.

37 (iii) College affordability.

38 (2) Participation:

39 (A) This goal envisions that California higher education serve
40 a large and diverse population.

1 (B) To measure progress in achieving this goal, CPEC shall
2 collect and analyze data on all of the following:
3 (i) Postsecondary enrollment.
4 (ii) Capacity to serve eligible students.
5 (iii) Diversity of the college environment.
6 (3) Student Success:
7 (A) This goal envisions that California higher education
8 prepare students well for life and work.
9 (B) To measure progress in achieving this goal CPEC shall
10 collect and analyze data on all of the following:
11 (i) Student success in completion of their educational goals.
12 (ii) Student success in acquiring the core competency skills
13 necessary for success in life.
14 (iii) Student *and employer* satisfaction.
15 (4) Public Benefits:
16 (A) This goal envisions that California higher education
17 benefit the state and its people by providing meaningful
18 participation in civic life and support of the state's economy.
19 (B) To measure progress in achieving this goal, CPEC shall
20 collect and analyze data on all of the following:
21 (i) Personal income measures, such as median personal income
22 by educational attainment.
23 (ii) State economic development measures, such as degrees
24 awarded in selected employment areas in relation to projected
25 need (for example, nursing).
26 (iii) Social and civic life measures, such as educational
27 attainment levels of the overall state population.
28 (c) The CPSEA structure shall establish a statewide reporting
29 system that identifies a select number of key indicators to measure
30 progress toward these state goals. The information provided by
31 this system shall include all of the following:
32 (1) Statewide aggregate data, as described in this section.
33 (2) Regional data, reported by regions to be determined
34 pursuant to advice from the CPSEA.
35 (3) Segmental data, provided by the public and independent
36 nonprofit sectors pursuant to the process described in subdivision
37 (a).
38 (4) A system-specific annual report to the Governor and the
39 Legislature.



(d) The data for the indicators shall be collected statewide from a variety of sources, including information provided by the segments and the institutions within these segments. Each indicator shall provide information by race and ethnicity, gender, Cal Grant recipient status, and socioeconomic status, to the extent to which data is available. The indicators shall be adopted by the California Postsecondary Education Commission, which shall consult with representatives from the higher education segments, state policymakers, the business community, and higher education students and faculty in the development, adoption, and revision of the indicators.

(e) Data collection for the statewide reporting system shall be implemented in two phases. Phase I of implementation shall report on existing data elements identified for the system that are currently collected, and shall go into effect with the annual report due on October 1, 2005. Phase II of implementation shall include development of new data elements not currently available. Development of the new data elements in Phase II shall begin on October 1, 2006, and go into effect with the annual report due on October 1, 2008.

(f) The Board of Governors of the California Community Colleges and the Trustees of the California State University are required to, and the Regents of the University of California and the Association of Independent California Colleges and Universities are urged to, provide annual reports to the Legislature, the California Postsecondary Education Commission, and the Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record. These annual reports shall provide a key link between the state postsecondary education accountability reporting structure and segmental accountability efforts. These annual reports shall include all of the following:

(1) The segment's main priorities for each of the state's goal areas.

(2) The major activities underway to address each priority.

(3) The performance indicators used to track progress toward each goal.

(4) Major highlights or issues from the data that have state-level significance.

(5) The segment's institutional goals for student learning outcomes; how they assess progress toward these goals; what they are learning from their assessments, including reporting on efforts to increase a student's capacity to learn; how students are performing in areas of core competence; and how they are using their assessments to improve learning.

67100.7. The CPSEA structure is guided by the following set of principles:

(a) A state-level accountability structure is designed to help policymakers develop, maintain, and fund a postsecondary education system that meets the state's goals, recognizes the differentiated missions of each segment of postsecondary education, and guides the segments toward maintaining effective institutions consistent with state goals and institutional missions.

(b) The CPSEA structure is designed to be simple, yet meaningful.

(c) Policymakers and governing boards are collectively accountable for meeting public goals for higher education.

(d) The state-level reporting system is designed to contain only data that helps policymakers to assess progress toward state goals and to make appropriate policy and funding decisions and interventions.

(e) The ongoing responsibility of the governing boards is to monitor and be accountable for the performance of individual colleges and universities for meeting statewide policy goals, segmental and institutional missions and goals, and for the quality of the education of its students.

(f) The data shall be communicated publicly in a concise manner that conveys clearly the relevance of each measure to state policy and fiscal choices.

(g) The data from each segment of postsecondary education shall be submitted electronically and shall be compatible with guidelines established by the California Postsecondary Education Commission.

67101. For the purposes of this chapter, the segments of postsecondary education are defined as the California Community Colleges, the California State University, the University of California, and the Association of Independent California Colleges and Universities.

1 67102. The California Postsecondary Education Commission
2 (CPEC) shall be responsible for administering the postsecondary
3 education accountability structure. In this capacity, CPEC shall
4 develop, and periodically may revise, the data elements to be
5 collected, and shall collect and interpret the data. CPEC shall
6 provide an annual report to the Legislature and the Governor by
7 November 15 of each year, beginning November 15, 2005. The
8 report shall include CPEC's independent assessment of the process
9 being made at the statewide level for each of the policy indicators.
10 The report may also include CPEC's comments on segmental
11 implementation and oversight of the statewide accountability
12 reporting. The report shall, at a minimum, include an analysis of
13 key indicators, as specified by subdivision (b) of Section 67100.5,
14 on a statewide, regional, and segmental basis as specified by
15 Section 67100.5.

16 67103. In implementing the requirements of this chapter, the
17 California Postsecondary Education Commission and any other
18 affected state agency shall ensure that no additional mandates are
19 imposed on local agencies. Any new activities required to
20 implement this chapter shall be offset by a commensurate
21 reduction in other existing redundant or unnecessary information
22 requirements.

23 SEC. 4. Section 67380 of the Education Code is amended to
24 read:

25 67380. (a) The governing board of each community college
26 district, the Trustees of the California State University, the Board
27 of Directors of the Hastings College of the Law, the Regents of the
28 University of California, and the governing board of any
29 postsecondary institution receiving public funds for student
30 financial assistance shall do all of the following:

31 (1) Require the appropriate officials at each campus within
32 their respective jurisdictions to compile records of both of the
33 following:

34 (A) All occurrences reported to campus police, campus
35 security personnel, or campus safety authorities of, and arrests for,
36 crimes that are committed on campus and that involve violence,
37 hate violence, theft or destruction of property, illegal drugs, or
38 alcohol intoxication.



1 (B) All occurrences of noncriminal acts of hate violence
2 reported to, and for which a written report is prepared by,
3 designated campus authorities.

4 (2) Require any written record of a noncriminal act of hate
5 violence to include, but not be limited to, the following:

6 (A) A description of the act of hate violence.

7 (B) Victim characteristics.

8 (C) Offender characteristics, if known.

9 (3) (A) Make the information concerning the crimes compiled
10 pursuant to subparagraph (A) of paragraph (1) available within
11 two business days following the request of any student or
12 employee of, or applicant for admission to, any campus within
13 their respective jurisdictions, or to the media, unless the
14 information is the type of information exempt from disclosure
15 pursuant to subdivision (f) of Section 6254 of the Government
16 Code, in which case the information is not required to be disclosed.
17 Notwithstanding paragraph (2) of subdivision (f) of Section 6254
18 of the Government Code, the name of a victim of any crime
19 defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286,
20 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not
21 be disclosed without the permission of the victim, or the victim's
22 parent or guardian if the victim is a minor.

23 (B) For purposes of this paragraph and subparagraph (A) of
24 paragraph (1), the campus police, campus security personnel, and
25 campus safety authorities described in subparagraph (A) of
26 paragraph (1) shall be included within the meaning of "state or
27 local police agency" and "state and local law enforcement
28 agency," as those terms are used in subdivision (f) of Section 6254
29 of the Government Code.

30 (4) Require the appropriate officials at each campus within
31 their respective jurisdictions to prepare, prominently post, and
32 copy for distribution on request a campus safety plan that sets forth
33 all of the following: the availability and location of security
34 personnel, methods for summoning assistance of security
35 personnel, any special safeguards that have been established for
36 particular facilities or activities, any actions taken in the preceding
37 18 months to increase safety, and any changes in safety precautions
38 expected to be made during the next 24 months. For the purposes
39 of this section, posting and distribution may be accomplished by

1 including relevant safety information in a student handbook or
2 brochure that is made generally available to students.

3 (b) Any person who is refused information required to be made
4 available pursuant to subparagraph (A) of paragraph (1) of
5 subdivision (a) may maintain a civil action for damages against
6 any institution that refuses to provide the information, and the
7 court shall award that person an amount not to exceed one
8 thousand dollars (\$1,000) if the court finds that the institution
9 refused to provide the information.

10 (c) For purposes of this section, “hate violence” means any act
11 of physical intimidation or physical harassment, physical force or
12 physical violence, or the threat of physical force or physical
13 violence, that is directed against any person or group of persons,
14 or the property of any person or group of persons because of the
15 ethnicity, race, national origin, religion, sex, sexual orientation,
16 disability, or political or religious beliefs of that person or group.

17 (d) This section does not apply to the governing board of any
18 private postsecondary institution receiving funds for student
19 financial assistance with a full-time enrollment of less than 1,000
20 students.

21 (e) This section shall apply to a campus of one of the public
22 postsecondary educational systems identified in subdivision (a)
23 only if that campus has a full-time equivalent enrollment of more
24 than 1,000 students.

25 (f) Notwithstanding any other provision of this section, this
26 section shall not apply to the California Community Colleges
27 unless and until the Legislature makes funds available to the
28 California Community Colleges for the purposes of this section.

29 SEC. 5. Section 69563 of the Education Code is repealed.

30 SEC. 6. Section 99155 of the Education Code is repealed.

31 SEC. 7. Chapter 4.5 (commencing with Section 99180) of
32 Part 65 of the Education Code is repealed.